

A regular meeting of the Troy Building Code Board of Appeals was held Wednesday, December 3, 2003 at City Hall in the Lower Level Conference Room. Ted Dziurman, Chairman, called the meeting to order at 8:30 A.M.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Ginny Norvell, Housing & Zoning Inspector Supervisor
Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF WEDNESDAY, NOVEMBER 5, 2003

Motion by Nelson
Supported by Richnak

MOVED, to approve the minutes of the meeting of Wednesday, November 5, 2003 as written.

ITEM #2 – VARIANCE REQUEST. JIM POWELL, REPRESENTING MAGGIANO'S RESTAURANT, 2085 W. BIG BEAVER, for relief of Chapter 78, the Sign Ordinance to put up three (3) additional tenant identification signs on a new building.

Mr. Stimac explained the petitioner is requesting relief of Chapter 78 to put up three (3) additional tenant identification signs on a new building. Section 9.02.03 D of the Sign Ordinance permits only one tenant identification sign, not to exceed 20 square feet in size. The application submitted indicates one additional tenant identification sign (wall awning) 15 square feet in size, another wall sign, 81 square feet in size, and a third wall sign 57 square feet in size, which projects 6.5 feet from the building wall. Section 7.01.04 of the Sign Ordinance additionally prohibits projecting signs.

Mr. Jim Powell and Mr. Stan Finsilver, the property owner, were present. Mr. Powell explained that besides the restaurant, Maggiano's has a banquet hall and they would like the sign on the west wall of the building to indicate the banquet entrance. Mr. Powell said that because this restaurant is located between two office buildings, he felt that visibility was a problem. Mr. Powell also said that as part of their site plan approval, they are required to add seventeen (17) trees along Big Beaver, which will also make visibility difficult. The 81 square foot wall sign is Maggiano's identifying sign.

The Chairman opened the Public Hearing.

ITEM #2 – con't.

Mr. Finsilver stated that he is very much in favor of this request, although he does not want too many signs on the property. Mr. Finsilver also stated that the reason he has reserved the right to retain the primary wall sign of 200 square feet, was in case someone leased a large portion of his building they would have the ability to put up an identification sign.

Mr. Dziurman asked if the sign requirements would be different if this was a freestanding building. Mr. Stimac indicated that because it is in the OSC Zoning District, a freestanding restaurant would not be a permitted use.

Mr. Nelson asked if the address was going to be included on the awning sign. Mr. Powell indicated that they would put the address on the building.

Mr. Richnak asked how large the Champs sign was and Mr. Stimac indicated that he thought it was approximately 200 square feet or less. Mr. Richnak asked if a variance would still be required if they did not dedicate the 200 square foot sign. Mr. Stimac stated that a variance would still be required for the second awning sign as well as the projecting sign.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Dziurman indicated that he would not have a problem approving the awning and asked if this was a national franchise and if this was the standard identification sign. Mr. Powell indicated that it was and this was in fact the standard ID sign. Mr. Powell also stated that originally they were going to ask for approximately 15 signs, but had downsized their request.

Mr. Zuazo asked if the projection sign was their signature sign and Mr. Powell said that it was and the signs were the exactly the same on all of their restaurants.

Mr. Richnak asked if the previous tenant, Rio Bravo, had required a variance for their sign. Ms. Norvell stated that they had been granted a variance to have an identification sign, which was 48 ¾ square feet. Mr. Finsilver said that he understood the Ordinance regarding a freestanding restaurant, but felt that this was more of a retail operation and felt that this request was tasteful and not objectionable.

Mr. Kessler stated that the marquis type sign is prohibited by the Ordinance and he was not in favor of granting the request for this type of sign. Mr. Kessler also indicated that he thought the request was excessive and did not see what the hardship was. Mr. Richnak agreed with Mr. Kessler.

ITEM #2 – con't.

Motion by Richnak
Supported by Nelson

MOVED, to grant Jim Powell, representing Maggiano's Restaurant, 2085 W. Big Beaver, relief of Chapter 78 to put up one additional tenant identification sign (wall awning) 15 square feet in size, and a second wall sign, 81 square feet in size.

- Additional signs will improve visibility to oncoming traffic.
- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO APPROVE REQUEST FOR TWO ADDITIONAL TENANT IDENTIFICATION SIGNS CARRIED

Motion by Richnak
Supported by Nelson

MOVED, to deny Jim Powell, representing Maggiano's Restaurant, 2085 W. Big Beaver, relief of Chapter 78 to install a 57 square foot wall sign, which would project 6.5' from the building wall.

- Petitioner did not demonstrate a hardship that would justify a variance.

Yeas: All – 5

MOTION TO DENY REQUEST FOR 57 SQUARE FOOT PROJECTING WALL SIGN CARRIED

ITEM #3 – VARIANCE REQUEST. JOSEPH CRAIG, THE ESTATES AT CAMBRIDGE SUBDIVISION, for relief of Chapter 83, the Fence Ordinance, to construct an entrance wall at the Estates at Cambridge Subdivision.

Mr. Stimac explained that the petitioner is requesting relief to construct an entrance wall. The site plan submitted indicates a masonry wall at the entrance of the new Estates at Cambridge Subdivision. This wall, which varies in height from 6' to 11', is located in the required front setbacks along Beach Road and Ravenwood Court. Chapter 83 limits the height of fences and masonry walls to 30" in front of the building setback lines.

Mr. Joseph Craig was present and stated that he is in the process of putting in an upscale subdivision with homes in the \$900,000.00 + range and feels that this entrance wall will be in keeping with this development.

ITEM #3 – con't.

The Chairman opened the Public Hearing.

Mr. Eric Pierce, 4105 Beach Road, was present and stated that he objected to this request. Mr. Pierce said that he is three houses down from this development and does not feel that this wall would be in keeping with the look of this area. Mr. Pierce also said he does not want a "walled community".

No one else wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are two (2) written objections on file.

Mr. Craig said that only a portion of the request included a wall; the rest is for fencing.

Mr. Richnak asked Mr. Stimac if these are corner lots and Mr. Stimac explained that they are considered to be double front through lots in that both ends of these lots front on a public road.

Mr. Nelson asked if this wall would affect any easements and Mr. Stimac said that there are no utility easements located in the area where the sign is proposed.

Mr. Kessler said that usually the petitioner would present the Board with a landscape plan, so the Board could determine if enough landscaping would be provided to incorporate the wall into the surrounding area with very little impact. Mr. Kessler also indicated that he is concerned because this would set a precedent for the residents moving in to this area to also request variances for fences.

Mr. Nelson asked if the condo development across the street from this subdivision had submitted a request for a wall. Mr. Stimac stated that he had not seen a request for a wall or fence at this time.

Mr. Craig stated that his company owned a landscape company and had just completed Bailey's Vineyard and Adams Pointe. Mr. Craig said that these developments also had an entrance wall. Mr. Craig stated that he did not think he required a variance for the wall along Coolidge Road. Mr. Stimac explained that in that case the property north and south did not front on Coolidge and therefore a variance was not required. Mr. Stimac also explained that as part of the subdivision approval a landscape plan was submitted, however, did not know if the proposed landscaping was enough to buffer this proposed wall. Mr. Stimac also said that there is a landscape architect on staff who would look over the plan to make sure the requirements of the Ordinance were met.

Mr. Nelson stated that part of this wall would be placed 1' from the sidewalk and did not feel that enough landscaping would be put in this area to buffer the wall. Mr. Dziurman asked if the sidewalk was required and Mr. Stimac said that it was.

ITEM #3 – con't.

Mr. Richnak said that he thought that by granting this variance it would set a precedent and felt that other developers or homeowners would also ask for variances for fences, which if granted, would detract from the character of Beach Road. Mr. Kessler said that he agreed with Mr. Richnak and was also concerned about setting a precedent.

Mr. Richnak then asked if these walls would enclose any of the proposed homes. Mr. Stimac stated that it would not; however, it was conceivable that a homeowner could add more fencing to enclose their property. Mr. Nelson asked if there were deed restrictions in place regarding fencing, and Mr. Craig said that they are in the process of creating deed restrictions.

Mr. Zuazo asked if a landscape plan could be presented to this Board before any decision was made. Mr. Kessler said that he thought the wall was too close to the sidewalk to allow for adequate landscaping and would also like to see a landscape plan. Mr. Zuazo asked if the fence could be placed further back and Mr. Craig indicated that he thought it could.

Motion by Richnak
Supported by Zuazo

MOVED, to postpone the request of Joseph Craig, The Estates at Cambridge Subdivision, for relief of Chapter 83, to construct an entrance wall varying in height from 6' to 11' in the front setbacks along Beach Road and Ravenwood Court until the meeting of January 7, 2004.

- To allow the petitioner the opportunity to present the Board with a landscape plan, which would indicate buffering of this wall.
- To allow the petitioner the opportunity to determine if this wall could be repositioned.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL MEETING OF JANUARY 7, 2004
CARRIED

ITEM #4 – VARIANCE REQUEST. BARB CHETCUTI OF METRO DETROIT SIGNS, 575 W. BIG BEAVER, for relief of Chapter 78, the Sign Ordinance, to remove two (2) existing sign boxes and replace them with boxes of the same size.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to remove two (2) existing sign boxes and replace them with boxes of the same size. The total size of the sign is calculated as 328 square feet and is setback 14' from the Big Beaver Right of way and 15' from the I-75 Right of Way.

ITEM #4 – con't.

Section 9.02.03, B of Chapter 78, the Sign Ordinance, limits the size of the ground sign to 200 square feet and requires a 30-foot setback from both rights of way for a sign of that size and height. The existing sign placement was approved through a variance granted by City Council on August 24, 1992. Any structural change in the sign, such as the proposed box replacements, requires a new variance.

Mr. Paul Deters of Metro Detroit Signs and Mr. Steven Bollinger, Vice President of Drury Inns were present.

Mr. Bollinger stated that basically they are trying to modernize this sign. Mr. Bollinger said that they have spent a large amount of money in adding to this hotel and would like to update this sign to reflect these changes

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Nelson
Supported by Kessler

MOVED, to grant Metro Detroit Signs, 575 W. Big Beaver, relief of Chapter 78 to remove two (2) existing sign boxes and replace them with boxes of the same size, setback 14' from the Big Beaver right of way and 15' from the I-75 right of way.

- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.
- Signs are the same size as previously approved.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

ITEM #5 – VARIANCE REQUESTED. MARCOS MAKOHON, KA ARCHITECTURE, 900 TOWER, for relief of Chapter 78, the Sign Ordinance, to install two (2) wall signs, each 191 square feet in size.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install two (2) wall signs, each 191 square feet in size. Section 9.02.03, A of the Sign Ordinance permits one primary wall sign not to exceed 200 square feet in size.

Mr. Marcos Makohon, Mr. Tom Shafer, President of Citizens Bank, and Mr. Andrew Tracey were present.

ITEM #5 – con't.

Mr. Shafer stated that Citizens Bank is going to be investing a large sum of money in Oakland County and plan to make this location their main headquarters. Mr. Shafer also said that they wished to have two (2) signs in order to make their bank very visible to traffic along both north and south I-75. Mr. Shafer further stated they would be leasing one and one-half floors of this building and is also looking into other properties in the Troy area in order to expand their presence in this area.

Mr. Dziurman asked what type of signage was previously on this building. Ms. Norvell stated that NBD originally had two (2) signs, which were 100 square feet and a subsequent tenant changed that to one sign, which was 198 square feet.

Mr. Makohon said that this is the catalyst of their plan for expansion in Oakland County. Mr. Makohon also said that the shape of this building creates a hardship for people to identify this location. Mr. Makohon indicated that they wanted their location to be as visible as possible for traffic heading both north and south on I-75. Mr. Makohon also said that the new logo of Citizen Banks was rectangular.

Mr. Richnak asked if the height of the building affects the size of the sign. Mr. Stimac stated that the Ordinance limits the size of a sign to 10% of the front face of the building up to 200 square feet.

Mr. Zuazo asked about the previous sign and Mr. Stimac said that originally there were two (2) signs, each 100 square feet and then Bank One went to one sign, which was 198 square feet. Mr. Zuazo then asked what other tenants would be in this building. Mr. Shafer stated that presently there is an advertising company and an architectural firm in this building. Mr. Shafer did not know whom the future tenants would be. Mr. Zuazo then asked what would happen regarding signage for future tenants. Mr. Stimac indicated that other than the 20 square feet of signage allowed on the first floor of the building, the only thing future tenants would be able to do was to add their names to the pylon sign.

Motion by Richnak
Supported by Nelson

MOVED, to grant Marcos Makohon, KA Architecture, 900 Tower, relief of Chapter 78 to install two (2) wall signs, each 191 square feet in size.

- Signage will allow for greater visibility.
- Location and shape of the building makes visibility of a single sign difficult.
- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.

Yeas: All – 5

ITEM #5 – con't.**MOTION TO GRANT VARIANCE CARRIED**

ITEM #6 – VARIANCE REQUESTED. DAN HEILEMAN, OF HEILEMAN SIGNS, 1696 MAXWELL – AKZO NOBEL, for relief of Chapter 78 to maintain a 31 square foot wall sign installed without the required permit.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to maintain a 31 square foot wall sign installed without the required permit. Section 9.02.05, D of Chapter 78 limits the size of a secondary wall sign to 20 square feet in size.

Mr. John Chodkiewicz of Akzo Nobel was present and stated that basically this sign is being used to promote their products. Mr. Dziurman asked how the sign was erected without a permit. Mr. Chodkiewicz said that an application had been discussed with Heileman Signs; however, they ran into a time frame problem because they were having clients from Europe come to look at their new products. Mr. Chodkiewicz said that this property is used to train people regarding these products. Mr. Chodkiewicz further stated that he tried to straighten everything out, but was told that Heileman Signs would have to come in and clear up this problem. Mr. Chodkiewicz also stated that they could put up a pedestal sign, which would not require a variance.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Chodkiewicz further stated that these signs are not very visible to traffic and most people have to actually pull up to the building in order to read them. Akzo Nobel is the biggest coating company in the world and they just wanted people to be aware of their new products. Mr. Chodkiewicz also said that if this variance was not granted, they would probably take down the wall signs and put up a pedestal sign, which would actually be more visible as it would be able to be placed closer to the road. Mr. Stimac asked if the sign could be relocated and incorporated with the primary AKZO Nobel sign, which would comply with the Ordinance and Mr. Chodkiewicz said that if he did that he would have to re-spray all the brick.

Mr. Kessler asked if this variance would take the place of the ground sign and Mr. Chodkiewicz said that it would. Mr. Dziurman asked if one of the conditions of the variance could stipulate that a ground sign would not be installed. Mr. Stimac informed him that the Board could grant the variance and indicate any reasonable stipulation. Mr. Stimac also stated that he felt it would be reasonable to state that a ground sign could be erected, limiting the maximum size to 36 square feet.

ITEM #6 – con't.

Mr. Richnak asked if they owned this building and Mr. Chodkiewicz stated that they lease this building. Mr. Chodkiewicz also indicated that if they were to leave they would take their sign down.

Mr. Stimac pointed out that the Sign Company submitted this application and we do not have an authorization letter from the owner of the building allowing this variance request. Mr. Stimac also said that he thought it would be difficult to grant a variance and place a restriction on the owner of the property without the owner's consent.

Motion by Nelson
Supported by Richnak

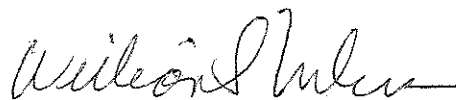
MOVED, to postpone the request of Dan Heileman, of Heileman Signs, 1696 Maxwell – Akzo Nobel, for relief of Chapter 78 to maintain a 31 square foot wall sign installed with the required permit until the next meeting of January 7, 2004.

- To allow the petitioner the opportunity to obtain an authorization letter from the owner of the building.
- To allow the petitioner to inform the owner that one of the potential conditions of the variance would limit the size of a ground sign to 36 square feet.

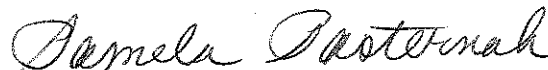
Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF JANUARY 7, 2004
CARRIED

The Building Code Board of Appeals meeting adjourned at 9:53 A.M.



Ted Dziurman, Chairman



Pamela Pasternak, Recording Secretary